THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8355 of 2007

Dated: 20.04.2007

Between:

Vippala Sambi Reddy.

..... PETITIONER

AND

The Executive Officer, Sri Ganga Bharamarambha Malleswara Swamyvary Devasthanam, Mangalagiri, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner, who is a resident of Tadikonda Village and Mandal, Guntur District, claims to be a lessee of land admeasuring Acs.2.63 in survey No.289 of said Village. The land belongs to Sri Ganga Bhramarambha Malleswara Swamyvary Devasthanam, Mangalagiri, first respondent herein. The executive officer of first respondent issued auction notice dated 04.04.2007 proposing to conduct auction in respect of different extents of land in different survey numbers belonging to first respondent to lease out the same for agriculture. Aggrieved by the same, instant writ petition is filed.

The petitioner alleges that he was inducted as lessee prior to commencement of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Act, 1987 (the Act, for brevity) and that he is a landless poor person entitled to the benefit under Section 82 of the Act and therefore, the action of first respondent in conducting auction is illegal and arbitrary.

The learned counsel for the petitioner placed strong reliance on various receipts allegedly issued by first respondent in proof of the acceptance of the lease amount. He, therefore, contends that when the petitioner is regularly paying the lease amount and when he is a landless poor person as defined in explanation to sub-Section (2) of Section 82 of the Act, it is arbitrary on the part of first respondent to conduct auction. **Opposing** the writ petition the learned standing counsel for first respondent submits that the petitioner is not a lessee and therefore, he cannot have any *locus standi* to file the writ petition.

Assuming that the petitioner is a cultivating tenant of first respondent by virtue of a lease granted prior to coming into force of the Act, by reason of Section 82(1) of the Act such lease stands cancelled. However, if the petitioner obtains a declaration under Rule 3 of the Andhra Pradesh Charitable and Hindu Religious Institutions & Endowments Lease of Agricultural Lands Rules, 2003, he is entitled to have the benefit under Section 82(2) of the Act either to purchase the land at the market value or to continue as lessee by paying 3/4th of the market lease amount. The petitioner, admittedly did not obtain any such declaration from the Assistant Commissioner under Rule 3 of the Rules and therefore, this Court has no reason to differ with the submission of the learned standing counsel for first respondent that the petitioner is not lessee of first respondent.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

(**V.V.S.RAO, J**)

20th April, 2007
ghn